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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,963	04/12/2004	Hiroya Kumashio	251606US-2CONT	2374
22850	7590	08/19/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
NGUYEN, MERILYN P				
ART UNIT		PAPER NUMBER		
2163				
NOTIFICATION DATE		DELIVERY MODE		
08/19/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/821,963

Applicant(s)

KUMASHIO, HIROYA

Examiner

Merilyn P. Nguyen

Art Unit

2163

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 June 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 07/21/2008
13. ☐ Other: _____.

/don wong/
Supervisory Patent Examiner, Art Unit 2163

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argue that "the '287 patent discloses a system in which there are no compatibility issues, and no need to translate instructions or data received from a user interface into instructions or data that are compatible with a corresponding data processing part". The examiner respectfully disagrees. Sziklai teaches Java data management layer in which a Java program can be run on any platform (See col. 14, lines 42-44) to resolve the compatibility issues and in which is positioned "on top of" databases to allow addition, deletion and modification of data in the databases (See col. 15, lines 61-66). Thus, Java Data Management Layer is a place to translate instructions into instructions that are compatible with plurality of different types of databases.

Applicants argue that Sziklai fails to disclose a plurality of connecting parts. The Examiner respectfully disagrees. Col. 15, lines 48-52 discloses plurality of connecting parts as a user can connected to the system by telephone or through the Internet or as the user is connected through the Internet or another network to a server that provides one or more databases of information (Col. 29, lines 21-23).

Applicants argues that Sziklai fails to disclose at least three interfaces. The Examiner respectfully disagrees. Sziklai discloses an interface that corresponds to a respective one of the databases (Figs. 8 and 9 shows example of connecting to product stewardship database which each having a respective interface and col. 15, lines 60-65) and a common interface (integrated user interface) that corresponds to the user interface part (See col. 11, lines 2-7, 56-67).

Applicant argues that Sziklai does not specifically identify the claimed plurality of data processing parts. The Examiner respectfully disagrees. Col. 26, lines 48-67 is an examples of plurality of data processing parts. For example, the product Stewardship section includes database that provide relevant information on chemical and physical properties, create MSDS in a plurality of languages, permits a user to perform life cycles analysis on selected materials, tracks material imports and exports. Col. 27, lines 3-26 is another example of data processing parts. For example, the Incident Tracking and Prevention section captures and accumulates information of all environmental releases and discharges and all injuries and illnesses at the facility, identifies hazard associated with materials that may released. Col. 29, lines 19-30 discloses providing one or more databases of information and providing substantially all of the analysis and processing capability for the information that also corresponding to data processing parts.